

CHAPTER 89-08-02 CONSTRUCTION PERMITS

Section	
89-08-02-01	Determining the Capacity of Dams, Dikes, or Other Devices
89-08-02-02	Contents of Application
89-08-02-03	Permit Does Not Absolve Liability for Damages
89-08-02-04	Temporary Construction Permits

89-08-02-01. Determining the capacity of dams, dikes, or other devices.

The impounding capacity of a dam is calculated based upon the top of the settled embankment of the dam. The diverting capacity of a dike is calculated based upon the area protected as measured from the top of the dike. If the absence of the dike could result in more than fifty acre-feet of water inundating the protected area, a permit is required. The diverting capacity of a diversion ditch is calculated based upon the runoff from a twenty-five year, twenty-four hour, precipitation event. No construction on the dam, dike, or other device can begin until a construction permit is obtained.

History: Effective November 1, 1989; amended effective April 1, 2004.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-16.1-38

89-08-02-02. Contents of application. A completed application for a construction permit must be submitted to the state engineer along with plans and specifications; evidence recognized in a court of law sufficient to establish a prima facie case of a property right in the property that will be affected by the construction of the dam, dike, or other device; and any additional data or information required by the state engineer.

History: Effective November 1, 1989; amended effective June 1, 1998; April 1, 2004.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-16.1-38

89-08-02-03. Permit does not absolve liability for damages. The receipt of a permit, including a permit for emergency construction, does not relieve an applicant from liability for damages resulting from any activity conducted pursuant to the permit.

History: Effective June 1, 1998.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-16.1-38

89-08-02-04. Temporary construction permits. If the state engineer determines an emergency exists, the state engineer may issue a temporary permit to construct a dam, dike, or other device capable of impounding, obstructing, or

diverting more than fifty acre-feet. A temporary permit shall have a duration of not more than six months unless extended by the state engineer.

History: Effective April 1, 2004.

General Authority: NDCC 28-32-02, 61-03-13

Law Implemented: NDCC 61-16.1-38